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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N	
09/684,737	10/06/2000	Kermit Dean Lopez	K1013	1544	
75	90 08/13/2003				
Kermit D. Lpez/Luis M. Ortiz Ortiz & Lopez, PLLc Patent Attorneys			EXAMINER		
			JANVIER, JEAN D		
P.O. Box 4484 Albuqerque,, NM 87196-4484			ART UNIT	PAPER NUMBER	
1			3622		
			DATE MAILED: 08/13/2003	DATE MAILED: 08/13/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicatin(s) LOPEZ ET AL			Analinatina N						
## Deficies Action Summary Examiner Jean D Janvier 3622 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of more may be available under the provisions of 37 CFR 1.138(s). In no event, however, may a reply be timely filled - If the period reply specified above, the reasonum stability general will apply and will appre SIX (0) MONTH's from the mailing date of this communication in the provision of the pro	₽ *•		Application No.	Applicant(s)					
Jean D Janvier 3622	••	Office Action Summany	09/684,737	LOPEZ ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of the many to available under the provisions of 3 C.FR 1.138(a). In no evert, however, may a risely be timely filed to the provisions of 3 C.FR 1.138(a). In no evert, however, may a risely be timely filed to the provisions of 3 C.FR 1.138(a). In no evert, however, may a risely be timely filed to the provision of the provision of 3 C.FR 1.138(a). In no evert, however, may a risely be timely filed to the provision of the provision of 3 C.FR 1.138(a). In no evert, however, may a risely be timely filed or filed to the period of the provision of 3 C.FR 1.138(a). In no evert, however, may a risely be timely filed or the provision of the provision of the provision of the provision of the period of the provision of the period of the provision of the provision of the period of the period of the period of the communication to become ABANDOWED (33 U.S.C. § 133). **Status** 1) Separation is FINAL. 2b) This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queryle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) Of the above claim(s)		Office Action Summary	Examiner	Art Unit					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Education of the time the pick and additionable and of the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed. - Education of the reply specified above, he maintained statutory period will apply and will expire SIX (p) MONTHS from the maining date of the communication of the provision of the communication of the provision of the communication of the provision of the		The MAIL INC DATE of this							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CR 1.13(e). In no event, however, may a reply be limely field after SIX (6) MONTIS from the mailing date of this communication. If the period to mayly seading those is less than the 17(30) deys, are reply within the statistic may in the period of the period of the reply within the statistic may be application to the period of the reply within the statistic may be applicated from the mailing date of this communication. Failure to reply within the set or extended pands for reply will, by statute, cause the application to become ABANDONED (38.U.S.C.§ 133). Any weaky received by the Officie after than there moving a fact the fact that the mailing date of this communication, even if firmely filled, may reduce any examinar patient term adjustment. See 37 CFR 1.704(s). Status 1) Separation in FINAL. 2b) This action is non-final. 3) Isone this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-50 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-50 is/are allowed. 6) Claim(s) 1-50 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is: a) accepted or b) discapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to	Period fo		appears on the cover shee	t with the correspondence address					
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Application/Control Number: 09/684,737

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-16 and 20-35 drawn to a method and system for providing a coupon to a user wherein the user downloads the coupon over the Internet and stores it in a handheld device and wherein the user takes the handheld to a POS for redemption where the coupon information is retrieved by the POS system from the handheld device during a synchronization process and classified in 705/14, 705/26, 235/383 and 340/7.2.
- II. Claims 39-44 and 45-50 drawn to a method and system for distributing targeted incentive to a user, subsequent to storing the user's profile in a database within the user's handheld device, wherein at least one incentive or coupon is transmitted to the over the Internet to the user's handheld device, in accordance with the user's stored profile, where it is stored and wherein the user takes the handheld to a POS for redemption where the coupon information is retrieved by the POS system from the handheld device during a synchronization process and classified in 705/14, 705/26, 235/383, 235/380, 235/375 and 340/7.2.

(Inventions I and II are related as combination/subcombination separately usable)

III. Claims 17 and 36 drawn to a method and system for providing at least one negotiable economic credit or coupon wherein a smart card is used upload

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coupon data from the smart card into the user's handheld device or coupon data can be downloaded from the handheld device to the smart card and

IV. Claims 18-19 and 37-38 drawn to a method and system for configuring the user's handheld device bar code scanner or optical scanner to upload into the user's handheld device coupon data read or scanned from printed publications or newspapers and so on.

(See species shown in figs. 38-40 and pages 99-101).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant has indeed elected over the phone to have Invention I examined.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record Application/Control Number: 09/684,737

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305-8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Non-Official Draft- 703-746-7240

Before Final -703-872-9326

Customer Service- 703-872-9325

JDJ

07/23/03

Jean D. Janvier

Patent Examiner

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